

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas

ENTERED

December 05, 2023

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

versus

Marshall Steve Merriman

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§
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§

Criminal No. 5:22-cr-01439

**STANDING ORDER ON PROCEDURES FOR SENTENCING
BEFORE U.S. DISTRICT JUDGE GARCIA MARMOLEJO**

On the 5th of December 2023, the Defendant having been found guilty on his/her plea of guilty or verdict of the jury, the following schedule is established:

1. The Defendant's acceptance-of-responsibility statement must be submitted **at or before the pre-sentence investigation interview** with a United States Probation Officer.
2. No later than January 9, 2024, the U.S. Probation Office will complete a Presentence Investigation Report ("PSI Report"). It is the responsibility of counsel to obtain the PSI Report. The U.S. Probation Office is not required to further advise counsel of the completion of the PSI Report.

In applicable drug offenses, the Safety Valve debrief must be completed by . Thereafter, the AUSA shall timely notify the U.S. Probation Office of any recommendations prior to the PSI Report disclosure date.

3. Within 14 days of the disclosure of the PSI Report:¹
 - a. Counsel for the parties shall submit either their objections or a written statement of non-opposition to the U.S. Probation Office and serve the same on opposing counsel. Legal objections to the PSI Report require citations to supporting and contrary authority.
 - b. Counsel shall also file any sentencing memorandum counsel may wish to submit with any pertinent attachments, such as letters and photographs, for consideration of grounds for departures under the Sentencing Guidelines and/or 18 U.S.C. §3553(a) factors/variances by the Court.
4. No later than 14 days after receiving a party's objections to the PSI Report, opposing counsel **shall** file a written response to the objections. Absent a clear demonstration of good cause, a party's failure to timely respond and dispute the objections filed by opposing counsel concedes the issue.
5. No later than 14 calendar days after receiving the responses from the parties, the U.S. Probation Office shall complete and submit to the Sentencing Judge the final report, together with an addendum describing any objections that have not been resolved and the officer's comments thereon.
6. The Sentencing Hearing is set for March 12, 2024 at 09:00 AM.

BY ORDER OF THE COURT.

¹If additional time is required, counsel may request an extension of up to 5 working days from the Probation Office, without filing a formal motion with the Court. If additional time is required, a motion for leave to file untimely objections and sentencing memoranda should be filed immediately, with an attached sample proposed order available on the Court's website. Failure to timely file will result in a show_cause hearing where counsel will be asked to explain why the Court's deadline could not be met and why a motion for continuance was not filed. While late_filed objections and sentencing materials will not be held against the party, the Court may impose monetary sanctions against counsel for not complying with the rules.